

Submission by the European Saudi Organization for human rights to the Special Rapporteur on extrajudicial, summary or arbitrary executions: the imposition of the death penalty and its impact:

1- There is no transparency in the Kingdom of Saudi Arabia's official dealings with the execution file. There is no official database showing the numbers of individuals facing the death penalty, and there are no clear and easy mechanisms for families and legal authorities to access the necessary information about the individual facing the sentence. In many cases, the family is not aware of the Supreme Court's approval of the ruling, nor does it know the place and time of its implementation.

The European Saudi Organization for Human Rights was able to monitor a number of cases in which detainees face the death penalty. According to these statistics, 30 detainees face death sentences. Among them are those facing charges related to expressing opinion and demonstrating, and 5 of them are minors.

This list does not include those accused of criminal cases due to the lack of transparency and difficulty in accessing cases, and the organization has not been able to access all cases in which individuals face charges related to peaceful activity. In the mass execution carried out by Saudi Arabia in March 2022, the organization had only monitored 13 cases out of the 81 sentences that were executed.¹ In addition, according to the organization's monitoring, hundreds of foreign workers face death sentences, but the organization has not been able to document them, and while the official Human Rights Commission announced a moratorium on death sentences for drug crimes, the effective laws have not been amended, and none of the individuals facing final death sentences trial have been retried., and they thus face an unknown fate.

In 2021, Saudi Arabia executed 67 people, including at least a minor, and from the beginning of 2022 until the end of March, Saudi Arabia executed 117 people, 81 of whom were killed in a mass execution.² ESOHR did not monitor most of these cases due to the lack of transparency and intimidation practiced by the Saudi government against families and human rights defenders.

2- The Saudi government does not provide any kind of support to the families of those sentenced to death. In a number of cases, the government denied families their right to family visits. In addition, the Saudi government restricts the families of people who are currently facing the death penalty, as it prevents children from them and the rest of the family from traveling, including the children of ██████████.³

3- The documentation of a number of cases by ESOHR confirmed the violation of the conditions of fair trials, and in light of the difficulty of accessing all cases, documenting the violations

¹ <https://shorturl.ae/iCEfI>

² <https://shorturl.ae/IsOpo>

³ <https://shorturl.ae/qZ3L0>

involved in the cases confirms that there is a pattern followed that raises serious concerns about the fairness of the trial in any execution case.

Among the violations documented by ESOHR is torture, as the Saudi government practices torture from the moment of arrest in a number of cases. Detainees have been asserted in many cases that they were forced to sign confessions, although these allegations⁴ have not been investigated. In some cases, torture resulted in permanent disability.⁵

In addition, ESOHR noted a deficiency in granting the detainee the right to adequate self-defense, as he is not allowed to appoint a lawyer until after the start of the trial sessions⁶, which greatly limits his ability to exercise his role.

In addition, the documentation of ESOHR confirmed that a number of the accused faced charges that are not considered among the most serious in international law, including those related to the practice of a legitimate activity such as demonstration.⁷

Despite the Saudi government's claim before the Human Rights Council, that it has suspended death sentences against minors, the data confirm Saudi Arabia's execution of minors after promises were made, and it continue to threaten the lives of other minors.⁸

In Saudi Arabia, the principle of separation of powers does not exist. Although the Public Prosecution is responsible for monitoring prisons and ensuring the protection and safety of detainees, it plays the opposite role, and is responsible for many of the violations that detainees are subjected to. In addition, the Saudi government claims that the official Human Rights Commission plays its role in monitoring prisons and raising detainees' complaints.⁹ In fact, none of the complaints that ESOHR indicated that it had been submitted to the Human Rights Commission reached those responsible for the violations, and the detainee was not protected from the violation.

4- The Saudi government prohibits any independent human rights bodies in the country, as well as the establishment of civil society organizations and associations. In addition, the Saudi government does not allow international human rights organizations to visit them and access information and sources independently. This prevents the issuance of any independent reports or research on the death penalty.

About the implementation:

⁴ <https://shorturl.ae/GCoLK>

⁵ <https://shorturl.ae/zrWum>

⁶ <https://shorturl.ae/OOQoP>

⁷ <https://cutt.ly/PF4bIT1>

⁸ <https://shorturl.ae/vcDkX>

⁹ <https://shorturl.ae/0Lt9n>

5- The executive regulations of the Saudi system of criminal procedures specify the details of the execution of the death penalty,¹⁰ as it stipulates certain conditions for the execution of the sentence, including the health status of the individual and the fact that the woman sentenced is neither pregnant nor breastfeeding, and others. The provisions of the system also stipulate that execution shall be attended by “a committee of delegates representing the administrative governor, the court, the Committee for the Propagation of Virtue and the Prevention of Vice, the police and a specialized doctor. In the event that the sentence is curtailed, the person entitled to retribution can be present.

The articles of the system also stipulate that “in the judgments issued against more than one person, they should not be brought to the place of execution at once, and that the execution of one of them should not be carried out in front of the others.”

According to the cases that ESOHR was able to document, the Saudi government does not inform the families of the date, place, or method of implementing the sentence. In one of the documented cases, the family was waiting for the weekly call from the detainee when they learned of the execution from the media.¹¹ In another case, the family did not learn of the execution of the sentence until days later, when a detainee in the same cell called the family and told them. In addition, the families in the cases documented by ESOHR were unable to bid farewell to their son, and did not receive a last call or visit from him, nor did they obtain his will until a period after the execution of the sentence.

In other than retribution cases, the period that the detainee spends between the issuance of the death sentence and its execution varies, therefore, the detainee does not expect, in most cases, the time in which the execution will take place. Private information indicates that the death row convict is taken from his room on the day of execution to an unknown location and his colleagues know that the sentence will be carried out later. However, in the absence of transparency, it is not possible to ensure that the remaining conditions are applied.

6- The application system of the Code of Criminal Procedures clarifies that the convict must not attend by force and without violence or psychological or physical harm, and also confirms that if the judgment deed does not mention how to kill, the tool that achieves charity in killing must be chosen.

The Saudi government used the method of beheading in the execution of death sentences, and it was carried out in public squares. Years ago, the punishment was not implemented in prison yards. The lack of transparency prevents ascertaining the methods of execution, but some eyewitnesses of detainees inside prisons confirmed that the method is still beheading, while the Ministry of Interior data indicate that in some cases the convict is crucified.

7- The Saudi government holds the bodies of the individuals it executes. According to the Code of Criminal Procedure, after the execution of the sentence, "the competent authority shall prepare the dead and bury it."

¹⁰ <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/9a0249b7-f835-48fa-8d1e-a9a700f1981a/1>

¹¹ <https://shorturl.ae/CTuAf>

Since 2016, 132 bodies have been detained, according to ESOHR¹². In addition to depriving families of their right to say goodbye and burial, or at least know the place of burial, they were subjected to many pressures when demanding the bodies or the personal belongings of the victim from the prisoners. Families are being informed that the bodies are being buried in "Muslim cemeteries" without any further information.

In addition, families have been threatened because they are accepting condolences in homes and public places, and because they opened groups on social media to accept condolences. According to the information, some families of the victims were forced to sign pledges not to demand to know the fate of the bodies or to talk about cases.

¹² <https://shorturl.ae/O0QoP>